

## **REMARKS**

### **Introduction**

Claims 1-7 were originally pending in this application. Claim 8 has been added herein. Claim 5 was canceled in response to a previous Office Action. Claims 1, 3, and 4 have been amended herein. Thus, claims 1-4 and 6-8 remain pending for consideration in this application.

### **Drawing Objections**

The drawings were objected to under 37 CFR 1.83(a) on the basis that they fail to show every feature of the invention specified in the claims. In particular, the Examiner asserts that the drawings fail to show that the curved beam has a “continuous upper surface of varying width.” Applicant respectfully traverses this rejection. However, in the interest of advancing the prosecution of this application, claim 1 has been amended by removing the “continuous upper surface of varying width” limitation. As a result, the drawings show every feature of the invention specified in the claims. Accordingly, applicant respectfully requests reconsideration of the drawing objections.

### **Claim Rejections**

Claims 1-3 and 6 were rejected under 35 U.S.C. §102(b) as being unpatentable over German Patent No. 2,350,302 issued to Rau et al. Claims 1-3 and 6-7 were also rejected under 35 U.S.C. § 102(b) as being unpatentable over German Patent No. 2,311,293 issued to Kohler. Accordingly, independent claim 1 has been amended to describe an invention that includes structure that is neither disclosed nor suggested by the Rau et al. ‘302 patent or the Kohler ‘293 patent. Claims 2-3 and 6-7 are each ultimately dependent upon independent claim 1 and include further perfecting limitations.

Applicant respectfully requests reconsideration of the rejection under 35 U.S.C. §102(b) as explained in greater detail below.

#### **The Rau et al. '302 Patent**

The Rau et al. '302 patent is printed in the German language and appears to disclose a wiper having a beam 10 with an attached wiping element 30. The beam 10 has an end 16 that is folded down directly over the end of the wiping element 30. However, without a translation, it is unclear to the applicant what else the Rau et al. '302 patent discloses. Accordingly, applicant respectfully requests a translation of this reference. In any event, it is clear that the Rau et al. '302 patent does not disclose a deformed end portion of a beam that projects beyond and is spaced from an end portion of the rubber blade.

#### **The Kohler '293 Patent**

The Kohler '293 patent is also printed in the German language and appears to disclose a wiper having a beam 10 with an attached wiping element 22. The beam 10 has ends 17, 19 that are folded down directly over the respective end of the wiping element 22. However, without a translation, it is unclear to the applicant what else the Kohler '293 patent discloses. Accordingly, applicant respectfully requests a translation of this reference. In any event, it is also clear that the Kohler '293 patent does not disclose a deformed end portion of a beam that projects beyond and is spaced from an end portion of the rubber blade.

#### **The Windscreen Wiper of the Present Invention**

In contrast to the related art, claim 1, as amended, clarifies the invention claimed as a windscreen wiper which includes a unitary elongate curved beam, and a rubber blade mounted to a bottom surface of the beam. The beam has a protective end formation at at least one of its tips. The

curved beam has a varying thickness, and the end formation is a deformed end portion of the beam that projects beyond and is spaced from an end portion of the rubber blade.

### **Argument**

As noted above, a rejection grounded on anticipation under 35 U.S.C. § 102(b) is proper only where the subject matter claimed is identically disclosed or described in a reference. In other words, anticipation requires the presence of a single prior art reference which discloses each and every element of the claimed invention arranged as in the claim. In re Arkley, 455 F.2d 586, 172 U.S.P.Q. 524 (C.C.P.A.); Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983); Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481 (Fed. Cir. 1984).

None of the references cited disclose or suggests the invention of claim 1. Specifically, the Rau et al. '302 patent merely discloses a wiper that includes a beam with an end that is folded down directly over the end of the wiping element, but lacks a deformed end portion of the beam that projects beyond and is spaced from an end portion of the rubber blade. The Kohler '293 patent merely discloses a wiper that includes a beam with ends folded down directly over the respective ends of the wiping element, but lacks a deformed end portion of the beam that projects beyond and is spaced from an end portion of the rubber blade. As such, flexing and/or hinging of the wiping element in these prior art devices are limited because the end portion of the beam interferes with such movement. The wiper of claim 1, as amended, overcomes this disadvantage by spacing the end formation from the blade. Therefore, it is respectfully submitted that claim 1 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. § 102(b).

### **Amendment of Claim 3**

The Examiner noted in the Office Action that defining the deformations as a result of folding appears to relate to the manner of manufacture. Applicant respectfully traverses this assertion. However, in the interest of expediting the allowance of claim 3, applicant has amended claim 3 by substituting the word “is” for the phrase “has been deformed by being.” Applicant respectfully submits that claim 3, as amended, is clearly structural in nature and in no way refers to the manner of manufacture. Thus, applicant respectfully requests allowance of claim 3, as amended.

### **Amendment of Claim 4**

Claim 4 was objected to for being dependent upon a rejected base claim, but was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the Examiner’s suggestion in mind, claim 4 has been written in independent form by incorporating all of the limitations of the base claim 1 and intervening claim 2. As such, applicant respectfully solicits the allowance of amended claim 4.

### **New Claim 8**

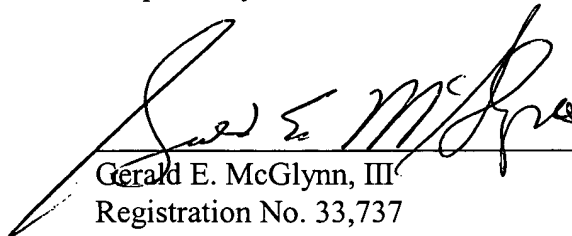
Claim 8 has been added by way of this Amendment. Support for this claim can be found in FIGS. 1, 5 and 6 and at lines 16-17 of the specification. As such, applicant respectfully submits that no new matter has been added. Claim 8 is dependent upon claim 1 and adds perfecting limitations. Thus, applicant respectfully solicits the allowance of claim 8.

### Conclusion

In view of the above, it is respectfully submitted that independent claim 1, as amended, recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the Rau et al. '302 patent and the Kohler '293 patent discussed above. Claims 2-3, and 6-8 are all ultimately dependent upon independent claim 1 and add further perfecting limitations thereto. Claim 4 has been re-written in independent form pursuant to the Examiner's suggestions and is now in a condition for allowance. Accordingly, applicant respectfully submits that the present invention has been adequately defined over the prior art of record in this case. Therefore, applicant respectfully solicits the allowance of the claims pending in this case.

The Examiner is encouraged to contact the undersigned attorney via telephone if he has any questions or additional comments concerning the patentability of these claims.

Respectfully submitted,



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